

1 BILL NO. Z-84-08-12

2 ZONING MAP ORDINANCE NO. Z-

22-84

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. M-18.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
6 INDIANA:

7 SECTION 1. That the area described as follows is hereby
8 designated a B-1-B (Limited Business) District under the terms of Chapter 33
9 of the Code of the City of Fort Wayne, Indiana of 1974:

10 Lot 1, Watterson's Place Addition
11 and the symbols of the City of Fort Wayne Zoning Map No. M-18, as established
12 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana
13 are hereby changed accordingly.

14 SECTION 2. That this Ordinance shall be in full force and effect
15 from and after its passage and approval by the Mayor.

16 
17 COUNCILMEMBER

18
19 APPROVED AS TO FORM AND LEGALITY:

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21 BRUCE O. BOXBERGER, CITY ATTORNEY
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Read the first time in full and on motion by Bradbury, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ .M., E.S.T.

DATE: 8-14-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Stier, seconded by Redd, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u>2</u>		<u>1</u>	
<u>BRADBURY</u>		<u>✓</u>			
<u>BURNS</u>	<u>✓</u>				
<u>EISBART</u>	<u>✓</u>				
<u>GIAQUINTA</u>	<u>✓</u>				
<u>HENRY</u>	<u>✓</u>				
<u>REDD</u>	<u>✓</u>				
<u>SCHMIDT</u>				<u>✓</u>	
<u>STIER</u>		<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>				

DATE: 9-11-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-22-84

on the 11th day of September, 1984,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Ray A. Ebert
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of September, 1984, at the hour of 11:30 o'clock A. .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of September, 1984, at the hour of 2:00 o'clock P. .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE TIRE ACCESSORY STORE

I/We X GEORGE DELY - TOM STEELE (Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-2 District to a/an SIB District the property described as follows:

2698 N. CLINTON - WATERSON'S PLACE ADD. LOT 1

(Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>GEORGE DELY</u>	<u>2698 N Clinton</u>	<u>George Dely</u>
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____ (OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent. WK 482 4557

<u>X TOM STEELE</u>	<u>4926 CHAUCER RD</u>	<u>485 5607</u>
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

AGENDA

FORT WAYNE COMMON COUNCIL

TUESDAY

SEPTEMBER 4, 1984

7:00 P.M.

COMMITTEE SESSION
ROOM 128 - CONFERENCE ROOM

PRESIDING OVER THE STANDING COMMITTEES
OF THE COMMON COUNCIL

BEN A. EISBART, PRESIDENT

SECRETARY OF THE COMMITTEE SESSION
OF COMMON COUNCIL

SANDRA E. KENNEDY, CITY CLERK

LEGAL ADVISER TO THE MEMBERS OF
COMMON COUNCIL

STANLEY A. LEVINE, ATTORNEY

BRADBURY No, BURNS yes, EISBART yes,
GIAQUINTA yes, HENRY yes, REDD yes,
SCHMIDT Absent, STIER Absent, TALARICO yes

aye - 6
no - 1

Absent - 1

1. COMMUNICATIONS TO COUNCIL

SANDRA E. KENNEDY, CITY CLERK

2. PRESIDENT'S REPORT TO COUNCIL

BEN A. EISBART, PRESIDENT

3. ORDER OF GENERAL BUSINESS

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 14, 1984, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-84-08-12; and,

WHEREAS, the require notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 20, 1984:

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

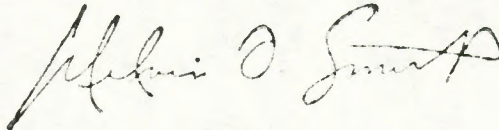
(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 27, 1984.

Certified and signed this
29th day of August 1984.



Melvin O. Smith
Secretary

BILL NO. Z-84-08-12

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Zoning Map No. M-18

*Committee
of the whole*

84-08-12

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JANET G. BRADBURY, CHAIRWOMAN

SAMUEL J. TALARICO, VICE CHAIRMAN

CHARLES B. REDD

MARK E. GIAQUINTA

JAMES S. STIER

Samuel J. Talarico

Charles B. Redd

Mark E. Giaquinta

James S. Stier

CONCURRED IN 9-11-84
SANDRA E. KENNEDY, CITY CLERK

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 10735

FT. WAYNE, IND.,

19

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

\$

DOLLARS

100

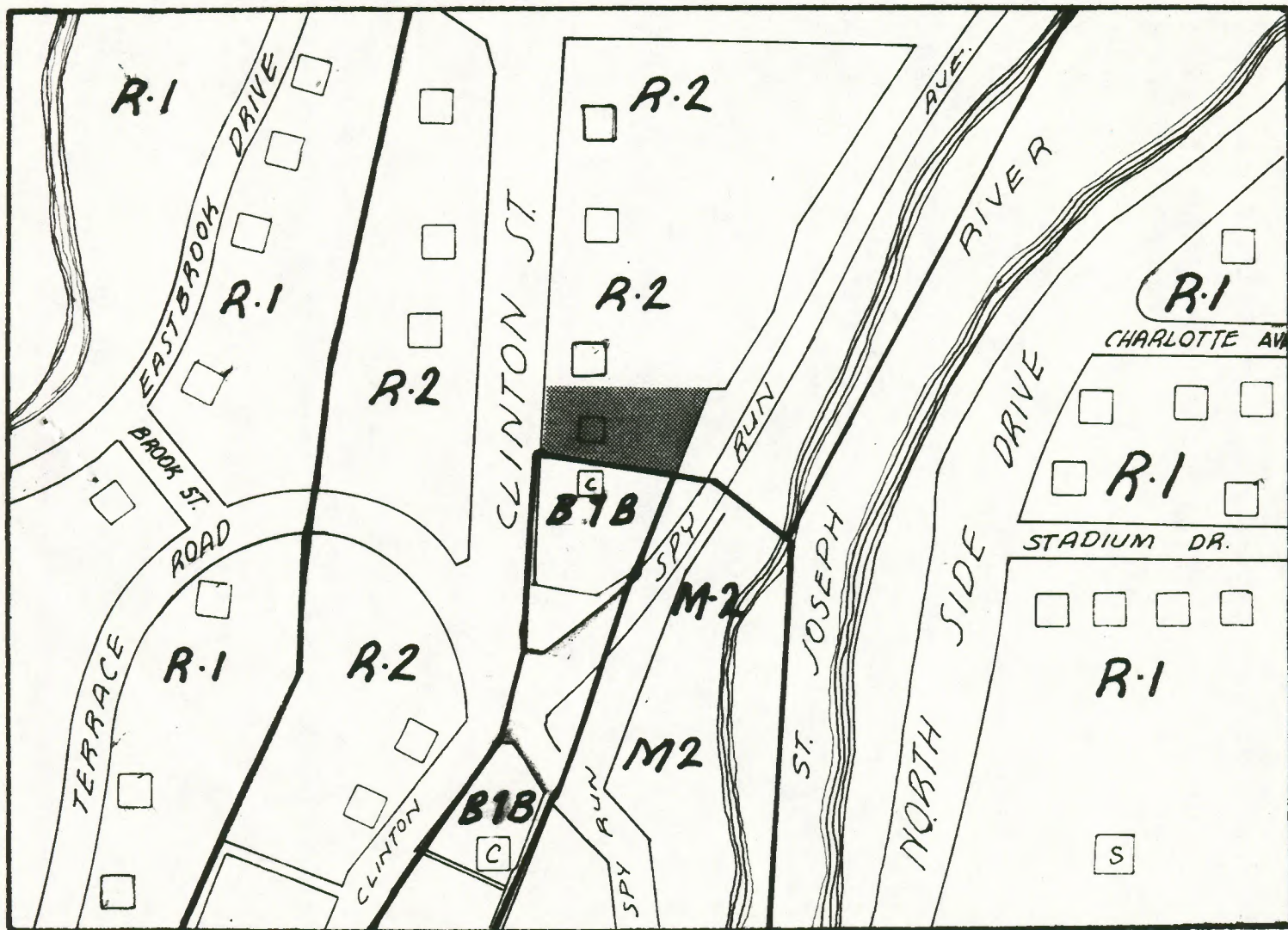
AUTHORIZED SIGNATURE

ZONING PETITION -83

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM AN R-2 TO A B1B DISTRICT.

MAP NO. M-18

COUNCILMANIC DISTRICT NO. 3



Zoning:

R-1 RESIDENTIAL DISTRICT
R-2 RESIDENTIAL DISTRICT
M-2 GENERAL INDUSTRY
B1B BUSINESS DISTRICT

Land Use:

□ SINGLE FAMILY
□ COMMERCIAL
□ PUBLIC SCHOOL

Z-84-08-12

Scale: 1" = 200'

Date: 7-23-84



ORIGINAL

Admin. Appr

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

3-84-08-12

SYNOPSIS OF ORDINANCE Lot 1 Watterson's Place Addition, commonly known as 2698 No. Clinton Street.

COUNCILMANIC DISTRICT NO. 3

EFFECT OF PASSAGE Property is now zoned R-2 - Two Family Residential. Property will become B-1-B - Limited Business.

EFFECT OF NON-PASSAGE Property will remain R-2 - Two Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

**Division of Community
Development & Planning**

BILL NUMBER

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment	None	

DETAILS

<p>Specific Location and/or Address</p> <p align="center">2698 North Clinton Street</p>
<p>Reason for Project</p> <p align="center">Expansion of tire accessory store.</p>
<p>Discussion (Including relationship to other Council actions)</p> <p>Tom Steele petitioner stated that he has run a tire store at 2620 North Clinton for 2 years. He stated when he purchased the property it was a rundown abandoned service station. He stated he now needs more room for expansion. He stated he spoke with the President of Brookview Association and they have no objection to the rezoning. He tried unsuccessfully to reach the President of Irvington Park Association. He stated that he intends to buffer the property at the Clinton Street side with approximately 8 feet of buffering and on the Spy Run side for 15 feet with shrubs and trees.</p> <p>George Dely, stated that he owned the property. Mr. Steele was trying to rezone. He stated that he was selling the property to Mr. Steele. He stated that Mr. Steele has cleaned up the property and has kept it well maintained.</p> <p>No opposition.</p>

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	<p>City Wide</p> <p>Other Areas</p>
Applicants/ Proponents	<p>Applicant(s)</p> <p>Tom Steele</p> <p>City Department</p> <p>Other</p>
Opponents	<p>Groups or Individuals</p> <p>None</p> <p>Basis of Opposition</p>
Staff Recommendation	<p><input type="checkbox"/> For <input checked="" type="checkbox"/> Against</p> <p align="center">Reason Against</p> <p>-allow commercial growth in residential area</p> <p>- negative effect on area</p>
Board or Commission Recommendation	<p>By</p> <p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against</p> <p><input type="checkbox"/> No Action Taken</p> <p><input type="checkbox"/> For with revisions to conditions (See Details column for conditions)</p>
CITY COUNCIL ACTIONS (For Council use only)	<p><input type="checkbox"/> Pass <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold</p> <p><input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass</p>

DETAILS

August 27, 1984 - Business Meeting

Site Committee recommendation was DO PASS with the following conditions to be placed on the property.

- 1) The location and number of curb cuts must conform to Traffic Engineering requirements.
- 2) The type of landscaping that is shown along the north side of the property shall be approved by the CD&P landscape architect.
- 3) No outside storage.
- 4) All lights are to be adjusted to eliminate glare.

The Commission approved the request as conditioned.

NOTE: Mr. Steele has given the Plan Commission Office a letter of agreement to the above stated conditions.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date June 13, 1984

Projected Completion or Occupancy

Date August 27, 1984

Fact Sheet Prepared by
Patricia Biancaniello

Date August 29, 1984

Reviewed by

Date

Reference or Case Number